

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: DALLY Robert Dean	Group Art Unit: 1625
Serial No.: 10/597008	Examiner: Chang, Celia C.
Application Date: January 18, 2005	Conf No.: 4664
US Nat'l Entry Date (if applicable): July 6, 2006	
For: SELECTIVE ESTROGEN RECEPTOR MODULATORS	
Docket No.: X16846M	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated 17 April 2009, and for which a response is due 18 May 2009, for the above identified patent application, entry of the following election in response to the restriction requirement is respectfully requested. Applicants note that 17 May 2009 is a Sunday, therefore, the response is timely filed.

Claims 1-2, 6, 9, 11, 14, 16, 19-20, 23, 36-37, 41, 43, 45, 48, 50, 52-53, 58 and 60 are currently pending in the application and are subject to restriction under 35 U.S.C. 121 and 372. The application is subject to a restriction requirement comprising 6 groups. Applicants elect, without traverse, the compounds of Group I. That is, the invention claimed by "Claims 48, 50 and 45 in part when m=1, R and X1 forms tetracyclic ring compounds. If this group is elected a further election of a single disclosed species is also required. Generic claims 1-2, 6, 9, 11, 14, 16, 19-20, 23, 36, 52-53, 58 and 60 reading on m=1, R-X1 is a tetracyclic ring can be prosecuted together with the election."

Applicants hereby elect, solely for searching purposes, the species set forth in Example 27, that is 2-Methoxy-5-[4-(2-piperidin-1-yl-ethoxy)-phenyl]-5H-6-oxa-chrysene-8-carboxylic

acid.

Applicants hereby agree to withdrawal of the claims or parts of claims directed to subject matter of the non-elected inventions; however, Applicants reserve the right to file one or more divisional applications to claim non-elected or withdrawn subject matter.

Applicants have considered inventorship in view of the elected invention, and no amendment of inventorship is desired at this time.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone her at the number provided.

Respectfully submitted,

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